

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

ORLANDO MCKNIGHT

CIVIL ACTION NO. 5:20-1090

VERSUS

JUDGE S. MAURICE HICKS, JR.

GOODWIN ET AL.

MAGISTRATE JUDGE HORNSBY

ORDER

Before the Court is a Motion to Change Venue (Record Document 77) filed by Plaintiff Orlando McKnight (“McKnight”). Specifically, McKnight seeks a change of venue due to the alleged bias and prejudice of Magistrate Judge Hornsby, which ultimately prevented McKnight of a fair trial for redress. See id. at 1.

The Fifth Circuit has held that “a motion for a change of venue is addressed to the sound discretion of the trial court and the exercise of that discretion should be upheld absent a clear showing of abuse.” U.S. v. Lyles, 471 F. 2d 1167, 1168 (5th Cir. 1972). See McCoy v. SC Tiger Manor, LLC, No. 19-723, 2021 WL 647376, *5 (M.D. La. Jan. 28, 2021) (“[D]istrict courts have ‘broad discretion in deciding whether to order a transfer.’”).

In U.S. v. Wilson, the appellant argued that “the district court erred in refusing to permit him to file a pro se-authored motion for ‘change of venue for bias and prejudice....’” 990 F. 2d 1253, *1 (5th Cir. 1993). The Fifth Circuit found no error on the part of the district court. Id. However, the Court held that even if the district court should have considered his motion, it should not have been granted. Id. The Court reasoned that the appellant had not “properly alleged or proved facts sufficient to justify recusal of the magistrate or

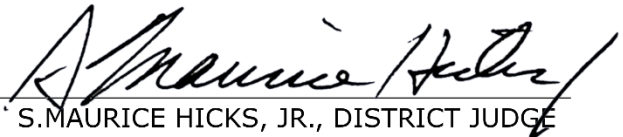
district judges, so there was no basis upon which the filing of this motion could have benefited [appellant].” Id.

Similarly, in the instant case, McKnight has not properly alleged or proven any facts pointing to Magistrate Judge Hornsby’s bias or prejudice towards him. McKnight does not reference any specific instances of bias or prejudice or cite relevant law.

Thus, after considering the motion and relevant case law,

IT IS ORDERED that McKnight’s Motion to Change Venue (Record Document 77) is **DENIED**.

THUS DONE AND SIGNED, in Shreveport, Louisiana, this 6th day of November, 2024.


S. MAURICE HICKS, JR., DISTRICT JUDGE
UNITED STATES DISTRICT COURT